

1 WAUKEEN Q. McCOY, ESQ. (SBN: 168228)
LAW OFFICES OF WAUKEEN Q. McCOY
2 703 Market Street, Suite 1300
San Francisco, California 94103
3 Telephone (415) 675-7705
Facsimile (415) 675-2530

4 Attorney for Plaintiff,
5 ROCHELLE VAUGHN

6
7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

9 ROCHELLE VAUGHN,

10 Plaintiff,

11 v.

12 PATRICK R. DONAHOE, Postmaster
13 General,

14 Defendant.

Case No. CV 09-5746 SI

**PLAINTIFF'S NOTICE OF MOTION
AND EXPARTE MOTION FOR AN
ORDER GRANTING HER LEAVE TO
FILE AN OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT BEYOND THE
DEAD LINE SET BY THE COURT**

Date: March 28, 2011

Time: 9:30 a.m.

Judge: Hon. Susan Illston

15
16
17
18 TO: DEFENDANT, JOHN E. PORTER AND HIS ATTORNEYS OF RECORD,
19 MELINDA HAAG, ESQ.

20 PLEASE TAKE NOTICE that Plaintiff Rochelle Vaughn will move this Honorable court
21 for an Ex Parte Order, granting her leave to file her opposition to defendant's motion for summary
22 judgment.

23 The motion will be based on this motion, and the declaration of Waukeen Q. Mccoy.

24 Plaintiff, Rochelle Vaughn, by and through her attorney, Waukeen Q. Mccoy, Esq., moves
25 this court for an Ex parte ORDER granting her leave to file and opposition to defendant's Motion
26 for Summary Judgment no later than April 1, 2011, but five days after the court's mandatory filing
27 date of March 28, 2011.

28 This motion is made on the grounds that there has been an inadvertent error made by

1 Plaintiff's attorney in the date the opposition was due and was mistakenly under the impression
2 that the opposition was due on April 1, 2011. The basis for the understanding is set forth in the
3 declaration of Waukeen Q. McCoy.


4 Plaintiff respectfully request the Court to grant her leave to file her opposition to the MSJ
5 on or before April 1, 2011 as otherwise, the disposal of her case on a default basis would be a
6 draconian punishment for a simple error and would not be warranted by the circumstances.

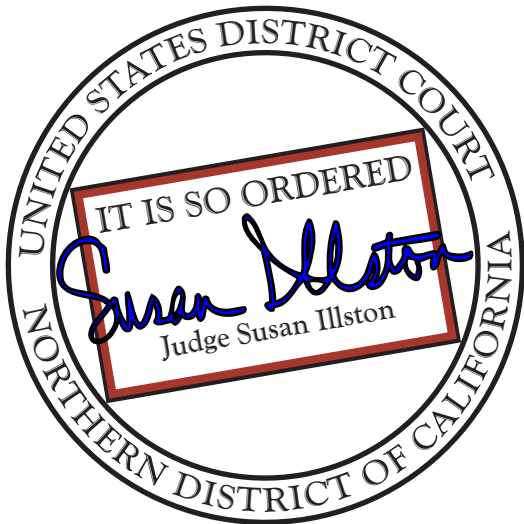
7 The defendant will suffer no prejudice by the requested time extension (five days) and the
8 delay is regretted.

9 Respectfully submitted,

10 LAW OFFICES OF WAUKEEN Q. McCOY

11
12 Date: March 28, 2011

13 
14 Waukeen Q. McCoy,
15 Attorney for Plaintiff, Rochelle Vaughn



Reply Due: 4/8/11